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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/827,056

**Applicant(s)**

NIELSEN ET AL.

**Examiner**

AARON STRANGE

**Art Unit**

2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 5-27 and 30-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. Claims 5-8, 18-22, 30 and 31 are directed to "computer program product" in "computer readable media". The specification states that the computer readable media may be "transmission-type media such as digital and analog communications links" (Spec. 21). One of ordinary skill in the art would have understood this embodiment to include wireless data transmission signals. These types of media are non-statutory, since they do not fall within any of the four statutory categories. *See In re Nuijten*, 500 F.3d 1346, 1357 (Fed. Cir. 2007). Since the claims are not limited to statutory subject matter, they are non- statutory.
4. Claims 9-12, 23-27, 32 and 33 are directed to a plurality of "means for" performing various functions. The specification states that these functions may be performed by computer software. Additionally, claims 5-8, 18-22, 30 and 31 claim "instructions" for performing the same functionality, which is additional evidence that the claimed means are intended to include at least some software-only embodiments. Since

software *per se* is non-statutory, the claims are not limited to statutory subject matter and are non-statutory.

5. Claims 13-17 are directed to a method for "creating and sending an e-mail". None of the claimed steps are sufficient to tie the claimed method to a particular machine or apparatus. While the embedding step recites a "redirect server", the "redirect server" does not perform any of the claimed steps or participate in the method in a meaningful way. Additionally, none of the claimed steps transform any article into a different state or thing. Therefore, the claim does not qualify as a patent-eligible process claim. *See In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008).

6. All claims not individually rejected are rejected by virtue of their dependency from the above claims and their failure to remedy the above noted deficiencies.

### ***Response to Arguments***

7. Applicant's arguments filed 2/19/09 have been fully considered but they are not persuasive.

8. With regard to claim 1, and Applicant's assertion that Resnick does not teach "sending the URL to the recipient, with the recipient using the URL to directly [access the] web site" (Remarks 12), the Examiner respectfully disagrees. Resnick clearly discloses that the email or other location of the specific creative contains only the XID

code, not the target URL (§25-26). The XID is used by the redirection server to determine the appropriate destination by querying a database at the redirection server (§53), and the user is redirected to the target URL. Therefore, the user cannot access the target web site without receiving the appropriate target URL required to access it.

Applicant additionally asserts that providing the URL to the user would result in Resnick being "rendered inoperable" (Remarks 12). The Examiner also disagrees with this assertion, since the "embedded codes" are used to monitor information about the source from which the user activated the XID-containing URLs. The fact that the user is redirected to a target web site associated with the XID has no effect on the ability of the system to determine the source of the XID-containing URL activated by the user.

In the interest of clarity, it appears beneficial to note that the XID-containing URL of Resnick (§26) corresponds to the claimed "embedded link" and that the "target URL" of Resnick (§53) corresponds to the claimed "universal resource locator" for the current web site associated with the embedded link. The target URL is provided to the user as part of the redirection operation, since it is necessary for the user to access the target site.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-15, 17-20, 22-25 and 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Reznick (US 2003/0014539).

11. In regards to claims 1, 5, and 9 Reznick discloses, a computer program product in computer readable media for use in data processing systems, a system, and a method for directing a recipient of an e-mail to a web site, the method comprising:

creating an e-mail with an embedded link (**Fig. 1 #102 and ¶0025 line(s) 11-14**), wherein the embedded link comprises a link to a redirect server (**Fig. 1 #106**) and link attributes that allow the redirect server to determine a current web site associated with the embedded link (**¶0026, teach that the link directs the user to a redirection server and has XID code (link attributes) that allows for the server to determine the desired destination site.**);

sending the e-mail to a recipient (**¶0026 line(s) 5-8, teach the XID code is also used to identify the media source (Fig. 1 #102, banner ad, text link, HTML encoded e-mail, Etc.) used. Therefore it is inherent that an email is sent to a recipient to identify the media source of HTML encoded e-mail.**);

receiving the e-mail at the recipient's data processing system (**¶0049 line(s) 5-7, teach the user identifying a creative of interest at their system. Therefore, it is inherent that the user received an email at their data processing system.**);

responsive to the recipient selecting the embedded link, sending link attributes from the recipient's data processing system to the redirect server; receiving the link

attributes at the redirect server (**Fig. 1 and ¶0049 line(s) 7-12, teach after the user selects the link, transmitting the request the XID code #103 (link attributes) to the XID processing engine (#108) on the server (#106, redirection server), and the server receiving the XID code.);**

determining, at the redirect server, the universal resource locator for the current web site associated with the embedded link (**Fig. 3 #302-310 and ¶0053);**

sending the universal resource locator from the redirect server to the recipient; receiving the universal resource locator at the recipient's data processing system; and retrieving, at the recipient's data processing system, the contents from the current web site utilizing the universal resource locator received from the redirect server (**Fig. 1, Fig. 3 #308, and ¶0027 line(s) 9-10, teach the redirecting the user to the destination website (#118 redirection web page). During redirection, the user is sent the link (target URL) to the target webpage and displays the appropriate contents from the URL received from the redirect server #106) (¶53),**

wherein changes to the location of the web site made after the e-mail has been sent to the recipient do not effect the ability of the recipient to access the web site (the email contains only the XID code, which is later correlated to the web site at the redirection server)(¶53).

12. In regards to claims 2, 6, 10 Reznick discloses, wherein link attributes and associated universal resource locators corresponding to the link attributes are contained in a link attribute properties file which may be accessed by a redirect server to

determine the universal resource locator for the web site associated with the link attributes received from the recipient (**Fig. 9 and ¶0072, teach the target code #902, which is part of the XID code #103 (link attribute), is associated with URL #904 in the system database #112 (link attribute properties file) that the redirect server #106 has access to.**)

13. In regards to claims 3, 7, 11 Reznick discloses, wherein the link attribute properties file may be updated to contain the most recent universal resource locators as necessary (**Fig. 5 #504 and ¶0067 line(s) 6-14, teach the administrator has rights to update/edit the URL as necessary.**)

14. In regards to claims 4, 8, 12 Reznick discloses, wherein the link attributes comprise a key and the link attribute properties file contains key/universal resource locator pairs allowing the redirect server to search a key and retrieve an appropriate corresponding universal resource locator (**¶0040-0046, Fig. 9, and ¶0072, teach the XID code #103 (link attribute) is a combination of several other codes (keys), including a target code #902 (key) that is associated with the URL, in the system database #112 (link attribute properties file) to allow the redirect server #106 the ability to match the URL.**)

15. In regards to claims 13, 18, and 23 Reznick discloses, a computer program product in a computer readable media for use in a data processing system, a system, and a method for creating and sending an e-mail with embedded links, the method comprising:



creating an e-mail (**Fig. 1 #102 and ¶0025 line(s) 11-14**);

embedding a link to a redirect server (**Fig. 1 #106**) in the e-mail to create an e-mail with an embedded link, wherein the link to the redirect server comprises link attributes (**Fig. 1 #103**) enabling the redirect server to determine a current location for a web site for which it is desired that a recipient of the e-mail with an embedded link visit (**¶0026, teach that the link directs the user to a redirection server and has XID code (link attributes) that allows for the server to determine the desired destination site.**), and further wherein the redirect server can communicate a web address for the current location to for the web site to the recipient (**During redirection, the user is sent the link (target URL) to the target webpage**) (**¶53**);

sending the e-mail with an embedded link to a recipient (**¶0026 line(s) 5-8, teach the XID code is also used to identify the media source (Fig. 1 #102, banner ad, text link, HTML encoded e-mail, Etc.) used. Therefore it is inherent that an email is sent to a recipient to identify the media source of HTML encoded e-mail.**)

wherein changes to the location of the web site made after the e-mail has been sent to the recipient do not effect the ability of the recipient to access the web site (the email contains only the XID code, which is later correlated to the web site at the redirection server)(**¶53**).

16. In regards to claims 14, 19, 24 Reznick discloses, wherein the link attributes comprises a key wherein the key corresponds to a key maintained in a properties file which associates web site locations with keys (**¶0040-0046, Fig. 9, and ¶0072, teach**

**the XID code #103 (link attribute) is a combination of several other codes (keys), including a target code #902 (key) that is associated with the URL, in the system database #112 (link attribute properties file) to allow the redirect server #106 the ability to match the URL.).**

17. In regards to claims 15, 20 and 25, Reznick discloses, wherein the web site location is a universal resource locator (**Fig. 9 #904**).

18. In regards to claims 17, 22 and 27, Reznick discloses, wherein the properties file is a database (**Fig. 1 #112 and ¶0072 line(s) 10-13**).

19. In regards to claims 28, 30, and 32 Reznick discloses, a computer program product in a computer readable media for use in a data processing system, a system, and a method for retrieving a web site associated with a link in an e-mail, the method comprising:

receiving an e-mail with an embedded link (**¶0049 line(s) 5-7, teach the user identifying a creative of interest at their system. Therefore, it is inherent that the user received an email with an embedded link.**);

responsive to selection of the embedded link by a user; sending link attributes contained in the embedded link to a redirect server indicated by the embedded link (**Fig. 1 and ¶0049 line(s) 7-12, teach after the user selects the link, transmitting the request the XID code #103 (link attributes) to the XID processing engine (#108) on the server (#106, redirection server), and the server receiving the XID code.**);

associating, at the redirect server, a web site location with the link attributes **(XID codes are associated with target destinations ) (§53);**

sending the web site location to the user **(During redirection, the user is sent the link (target URL) to the target webpage) (§53)**

receiving a web site location from the redirect server;

retrieving content from the web site location **(Col. 7 line(s) 9-15, teach opening/presenting the web site/page. Therefore, it teaches retrieving content.);**

wherein changes to the location of the web site made after the e-mail has been sent to the recipient do not effect the ability of the recipient to access the web site (the email contains only the XID code, which is later correlated to the web site at the redirection server)(§53).

20. In regards to claims 29, 31 and 33, Reznick discloses, wherein the link attributes comprise a key **(¶0040-0046, teach the XID code #103 (link attribute) is a combination of several other codes (keys)).**

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 16, 21 and 26, rejected under 35 U.S.C. 103(a) as being unpatentable over Reznick (US 2003/0014539) in View of Official Notice.

23. In regards to claims 16, 21 and 26, while Reznick discloses substantial features of the present invention (discussed above), it fails to specifically disclose that the properties file is a spreadsheet.

The Examiner takes Official Notice that spreadsheets are old and well known means of storing tabular data, such as the data that would have been contained in Reznick's databases. Storing the properties data in a spreadsheet would have been advantageous since it would have provided easy linking and retrieval requested information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the properties data in a spreadsheet to allow for simple linking and retrieval of the information.

### ***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Examiner, Art Unit 2448